

AFFIDAVIT OF SHELLI SCHADE

I, Shelli Schade, state that the following is true and correct to the best of my knowledge:

1. My name is Shelli Schade. I am over 18 years of age and competent to give this statement. I read and write the English language.
2. I am a Licensed Master Social Worker (LMSW). I have a graduate degree in social work and I was licensed by the state as a LMSW in 1999. I currently provide mitigation investigations throughout Texas and have provided mitigation services on over 50 capital and non-capital cases.
3. I was appointed by the court as a Mitigation Specialist for the defense for John Steven Gardner in March 2005.
4. The defense team retained Dr. Gilda Kessner in July 2006 to testify for Mr. Gardner at his trial. She interviewed Mr. Gardner, reviewed records, and interviewed family members in order to testify at the punishment phase of his trial regarding mitigation and future dangerousness.
5. The defense team also retained Dr. Kate Allen to present mitigation evidence during the punishment phase of Mr. Gardner's trial. She was prepared to present the testimony at trial.
6. Prior to Dr. Kessner and Dr. Allen's testimony during the punishment phase of the trial, Mr. Gardner's attorney, Bob Hulkrantz, stated that it was a trial team strategy not to put on consulted or testifying experts. This was a false statement as the entire defense team including Randi Ray, Dr. Kristi Compton and myself were not consulted and were not involved in the decision not to present this testimony. It was a decision made by Bob Hulkrantz and Bennie House in the hallway of the court house and not the entire defense team. As a matter of fact, Randi, Dr. Compton and myself were very surprised when Mr. Hulkrantz made this statement in court considering both experts were in attendance in the courtroom that day prepared to testify in the punishment hearing.

Shelli Schade Affidavit
Page 2 of 2

7. During an interview with Mr. Gardner after the punishment phase, Mr. Gardner told me that he felt he had been "sent down the river" by his attorneys and was very disappointed that they "didn't listen to him during the trial".

I declare under the penalty of perjury under the law of the state of Texas that the foregoing is true and correct, and was executed the 6th day of November, 2008.

Shelli Schade

Shelli Schade

Subscribed and sworn to before me this 6th day of November, 2008.

Toni Knox

Notary Public, State of Texas

TONI KNOX

Notary's Printed Name

